

REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 1-25 were originally presented for examination. Claims 1-8 and 18-25 have been withdrawn from prosecution, and Claims 9, and 10 have been amended. Claims 11-17 are presented without further amendment.

Claims 9-17 were rejected under 35 USC § 102(b), as being anticipated by Rulcker et al. (1981). The Examiner states that the arguments made in Amendment A, written in response to the Office Action dated May 17, 2006, “fail to persuade because the independent claims do not require both that the donor animal be another animal and that the fluid is cleaned of impurities. [T]hus, the arguments are not commensurate in scope with the claims.”

An examiner interview was conducted on January 24, 2006 between Examiner Ruth A. Davis and Paul Thompson at which time an explanation was made regarding the distinction between donor animals and a recipient animal. It was clarified and agreed in this interview that a single recipient animal does receive a purified (processed to remove impurities, cellular and pathogenic components) replacement fluid that has been collected from donor animals.

Independent Claim 9 has been further amended to include language specifying that the synovial fluid that has been harvested from other animals has been processed to remove impurities, cellular and pathogenic components.

Currently amended independent claim 9 clearly distinguishes from the Rulcker et al. reference which fails to disclose intraarticularly injecting a replacement fluid in the joint space of said animal, said replacement fluid comprising synovial fluid that has been harvested from other animals and has been processed to remove impurities, cellular and pathogenic components, lyophilized, packaged and reconstituted.

Independent Claim 10 has been further amended to include language specifying that the animal receiving the treatment is referred as the recipient animal.

Hence, amended independent Claims 9 and 10, specifically differentiate from the aforementioned disclosure of Rulcker et al. Clearly, there is no prior disclosure or suggestion, in any fashion, of creating a replacement fluid from other animals that has been processed to remove impurities, cellular components and pathogenic components, lyophilized, packaged and reconstituted and injected into a recipient animal.

In view of the above, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 25th day of January 2007.

Respectfully submitted,

COCHRAN FREUND & YOUNG LLC

By: _____



Paul M. Thompson
Registration No. 52,286
2026 Caribou Drive, Suite 201
Fort Collins, CO 80525

Phone: (970) 492-1100
Fax: (970) 492-1101
Customer No.: 27479